

3SHB 1458 - H AMD 835

By Representative Pearson

SCOPED 02/11/2006

1 On page 8, after line 22, insert the following:

2 "Sec. 12. RCW 36.70A.110 and 2004 c 206 s 1 are each amended to  
3 read as follows:

4 (1) Each county that is required or chooses to plan under RCW  
5 36.70A.040 shall designate an urban growth area or areas within which  
6 urban growth shall be encouraged and outside of which growth can occur  
7 only if it is not urban in nature. Each city that is located in such  
8 a county shall be included within an urban growth area. An urban  
9 growth area may include more than a single city. An urban growth area  
10 may include territory that is located outside of a city only if such  
11 territory already is characterized by urban growth whether or not the  
12 urban growth area includes a city, or is adjacent to territory already  
13 characterized by urban growth, or is a designated new fully contained  
14 community as defined by RCW 36.70A.350.

15 (2) Based upon the growth management population projection made for  
16 the county by the office of financial management, the county and each  
17 city within the county shall include areas and densities sufficient to  
18 permit the urban growth that is projected to occur in the county or  
19 city for the succeeding twenty-year period, except for those urban  
20 growth areas contained totally within a national historical reserve.

21 Each urban growth area shall permit urban densities and shall  
22 include greenbelt and open space areas. In the case of urban growth  
23 areas contained totally within a national historical reserve, the city  
24 may restrict densities, intensities, and forms of urban growth as  
25 determined to be necessary and appropriate to protect the physical,  
26 cultural, or historic integrity of the reserve. An urban growth area  
27 determination may include a reasonable land market supply factor and  
28 shall permit a range of urban densities and uses. In determining this  
29 market factor, cities and counties may consider local circumstances.

1 Cities and counties have discretion in their comprehensive plans to  
2 make many choices about accommodating growth.

3 Within one year of July 1, 1990, each county that as of June 1,  
4 1991, was required or chose to plan under RCW 36.70A.040, shall begin  
5 consulting with each city located within its boundaries and each city  
6 shall propose the location of an urban growth area. Within sixty days  
7 of the date the county legislative authority of a county adopts its  
8 resolution of intention or of certification by the office of financial  
9 management, all other counties that are required or choose to plan  
10 under RCW 36.70A.040 shall begin this consultation with each city  
11 located within its boundaries. The county shall attempt to reach  
12 agreement with each city on the location of an urban growth area within  
13 which the city is located. If such an agreement is not reached with  
14 each city located within the urban growth area, the county shall  
15 justify in writing why it so designated the area an urban growth area.  
16 A city may object formally with the department over the designation of  
17 the urban growth area within which it is located. Where appropriate,  
18 the department shall attempt to resolve the conflicts, including the  
19 use of mediation services.

20 (3) Urban growth should be located first in areas already  
21 characterized by urban growth that have adequate existing public  
22 facility and service capacities to serve such development, second in  
23 areas already characterized by urban growth that will be served  
24 adequately by a combination of both existing public facilities and  
25 services and any additional needed public facilities and services that  
26 are provided by either public or private sources, and third in the  
27 remaining portions of the urban growth areas. Urban growth may also be  
28 located in designated new fully contained communities as defined by RCW  
29 36.70A.350.

30 (4) In general, cities are the units of local government most  
31 appropriate to provide urban governmental services. In general, it is  
32 not appropriate that urban governmental services be extended to or  
33 expanded in rural areas except in those limited circumstances shown to  
34 be necessary to protect basic public health and safety and the  
35 environment and when such services are financially supportable at rural  
36 densities and do not permit urban development. Extensions or  
37 expansions of sewer systems consistent with the requirements of section  
38 13 of this act satisfy the requirements of this section.

1 (5) On or before October 1, 1993, each county that was initially  
2 required to plan under RCW 36.70A.040(1) shall adopt development  
3 regulations designating interim urban growth areas under this chapter.  
4 Within three years and three months of the date the county legislative  
5 authority of a county adopts its resolution of intention or of  
6 certification by the office of financial management, all other counties  
7 that are required or choose to plan under RCW 36.70A.040 shall adopt  
8 development regulations designating interim urban growth areas under  
9 this chapter. Adoption of the interim urban growth areas may only  
10 occur after public notice; public hearing; and compliance with the  
11 state environmental policy act, chapter 43.21C RCW, and RCW 36.70A.110.  
12 Such action may be appealed to the appropriate growth management  
13 hearings board under RCW 36.70A.280. Final urban growth areas shall be  
14 adopted at the time of comprehensive plan adoption under this chapter.

15 (6) Each county shall include designations of urban growth areas in  
16 its comprehensive plan.

17 (7) An urban growth area designated in accordance with this section  
18 may include within its boundaries urban service areas or potential  
19 annexation areas designated for specific cities or towns within the  
20 county.

21 NEW SECTION. **Sec. 13.** A new section is added to chapter 36.70A  
22 RCW to read as follows:

23 Sewer systems may be extended to or expanded in rural areas within  
24 a marine recovery area as defined in section 2 of this act according to  
25 the requirements of this section.

26 (1) Municipal sewer systems and community sewage collection and  
27 treatment facilities may be constructed in or extended to areas in  
28 which:

29 (a) Clusters of high-density development are present;

30 (b) Water quality problems associated with discharge of nutrients  
31 from on-site sewage treatment systems have been documented based upon  
32 credible data standards used in RCW 90.48.575; and

33 (c) The treatment efficiency of existing on-site sewage treatment  
34 systems is poor.

35 (2) Systems and facilities constructed in or extended into rural  
36 areas must include nitrogen removal treatment capability when  
37 practicable.

1           (3) Consistent with the requirements of RCW 36.70A.110(4), any  
2 system or facility constructed or expanded to serve residences in rural  
3 areas of a marine recovery area shall be financially supportable at  
4 rural densities."

5           Renumber the remaining section consecutively, correct any internal  
6 references accordingly, and correct the title.

EFFECT:     Authorizes extensions or expansions of sewer systems in  
rural areas under certain circumstances within marine recovery areas.

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